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**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

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**IN THE MATTER OF INTEGRATED
RESOURCE PLANNING FOR THE
PROVISION OF STANDARD OFFER
SERVICE BY DELMARVA POWER &
LIGHT COMPANY UNDER 26 DEL. C.
§§1007(c) & (d) (Opened December 18, 2012)**

P.S.C. DOCKET NO. 12-544

**PETITION OF THE ATTORNEY GENERAL OF THE STATE OF DELAWARE
FOR LEAVE TO INTERVENE OUT OF TIME**

NOW COMES the Attorney General of the State of Delaware, by and through the Deputy State Solicitor, pursuant to 26 *Del. Admin. C.* §2.9 (Public Service Commission Rules of Practice and Procedure), and petitions for leave to intervene in the above-captioned matter on the following grounds:

1. Petitioner is Joseph R. Biden, III, Attorney General of the State of Delaware, 820 N. French Street, Wilmington, DE 19801. His designated representative is James Adams, Deputy State Solicitor. Mr. Adams' contact information is:

Address: 820 N. French Street, 6th Floor, Wilmington, DE 19801

Telephone: (302) 577-5036

Fax: (302) 577-5866

E-mail: james.adams@state.de.us

2. The attorney for Petitioner is Regina A. Iorii, Deputy Attorney General. Her contact information is:

Address: 820 N. French Street, 6th Floor, Wilmington, DE 19801

Telephone: (302) 577-8159

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3. As Attorney General of the State of Delaware, Petitioner represents the interests of the public and, accordingly, may exercise broad powers under the common law. *See Darling Apt. Co. v. Springer*, 22 A.2d 397, 403 (Del. 1941) (“[A]s the chief law officer of the State, the Attorney General, in the absence of express legislative restriction to the contrary, may exercise all such power and authority as the public interest may from time to time require.”).

4. Petitioner requests that this petition be granted because the position of Public Advocate only became vacant on March 13, 2013 and no replacement has been nominated by the Governor and approved by the Senate as required by 29 *Del. C.* §8716(a). This petition is brought in good faith and not for purposes of vexation or delay. Petitioner adopts as his own all pleadings, filings, exhibits, memoranda and briefs previously filed in these dockets by or on behalf of the Public Advocate. No party is prejudiced by the substitution of the Attorney General for the Public Advocate as the representative of the interests of consumers in this matter, in the absence of a Public Advocate duly nominated by the Governor and confirmed by the Senate.

5. Petitioner’s participation in the proceeding is in the public interest because the consumers’ interests are not otherwise represented. The Public Advocate’s office is not representing consumers because the position of Public Advocate is currently vacant. The General Assembly, in creating the position of Public Advocate, intended that the interests of consumers in the lowest reasonable rates consistent with maintaining utility service and equitable rate distribution be represented before this Commission. 29 *Del. C.* §§8716(d)(1), (2). The Attorney General, in his role as *parens patriae*, is the lawful representative of the State’s consumers of regulated utility services, and is the proper party to intervene on their behalf under these circumstances.

WHEREFORE, Petitioner requests that he be granted leave to intervene and participate as a party in the above-captioned matter.

Respectfully submitted,

/s/ Regina A. Iorii
Regina A. Iorii (#2600)
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Counsel for the Attorney General through
Deputy State Solicitor James Adams

Dated: March 18, 2013

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION)	
OF ARTESIAN WASTEWATER)	
MANAGEMENT, INC. FOR A CHANGE)	PSC DOCKET NO. 13-27WW
IN RATES FOR WASTEWATER SERVICE)	
(Filed January 18, 2013))	

CERTIFICATE OF SERVICE

I hereby certify that on March 18, 2013, I caused the foregoing **PETITION OF THE ATTORNEY GENERAL OF THE STATE OF DELAWARE FOR LEAVE TO INTERVENE OUT OF TIME** on the persons on the attached service list in the manner indicated thereon.

/s/ Regina A. Iorii
Regina A. Iorii (#2600)
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Counsel for the Attorney General through
Deputy State Solicitor James Adams

Dated: March 18, 2013

SERVICE LIST
DP&L'S 2012 INTEGRATED RESOURCE PLAN
PSC Docket No. 12-544
As of 01/09/13

<p><u>BY ELECTRONIC MAIL & BY HAND</u></p> <p><u>Hearing Examiner</u></p>	<p><u>BY ELECTRONIC MAIL & BY HAND</u></p> <p><u>PSC Staff</u></p>
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